

Application No. 09/988,055
Docket No. 48824-51948 US

Art Unit 2873
Examiner Thompson, T.

REMARKS

Claims 1-7 and 9-41 are pending in the application, of which claims 19-29 are allowed. Claims 1, 3, 4, 12, 30-35, 37, and 38 stand rejected. Claims 2, 5-11, 13-18, 34, 36, and 39-41 are objected to. Claim 8 has been canceled above. Claim 1 has been amended to include the subject matter of claim 8. Claims 9 and 10 have been amended to depend from claim 1 rather than from (now canceled) claim 8. Claim 30 been amended to include the subject matter of claim 8. Claim 34 has been rewritten in independent form, incorporating the subject matter of base claim 30 and intervening claim 33.

REJECTIONS UNDER 35 U.S.C. 102

Claims 1, 3, 4, 12, 30-35, 37, and 38 stand rejected under “35 U.S.C. 102(anticipated)” as being anticipated by Trott et al. (US 5,862,283). The Office Action states that “[r]egarding claim 1, Trott et al. discloses an optical device having a planar surface (fig 4, 32); a substrate having an upper surface and a plurality of pits (fig 4, 31, 51, 52); and a positioning mechanism disposed in each said pit (fig 4, 41), wherein said optical device contacts said positioning mechanisms and is positioned on said substrate such that said planar surface is tilted relative to said upper surface (11 and col 4, lines 1-20, 49-67).” Regarding claim 30, the Office Action further sets forth that “Trott et al. discloses a method for positioning an optical device on an upper surface of a substrate, said method comprising: mounting a plurality of positioning mechanisms in predetermined locations on said substrate; mounting an optical device having a planar surface on said positioning mechanisms wherein said planar surface is tilted relative to said upper surface; and anchoring the optical device...” (Citations Omitted.)

Applicant has amended claim 1 above to include the subject matter of allowable dependent claim 8. Since the Office Action indicated on page 4 that claim 8 contains allowable subject matter, Applicant understands that claim 1 as amended is allowable. In addition, Applicant has amended claim 30 above to include the subject matter of dependent claim 8. Although claim 8 did not previously depend from claim 30, Applicant understands that claim 30 should be allowable for at least the same reason that claim 1 is allowable.

Application No. 09/988,055
Docket No. 48824-51948 US

Art Unit 2873
Examiner Thompson, T.

With regard to independent claim 12, the Office Action states in relevant part that “Trott et al. discloses an optical device having at least one cut-out portion (fig 4, 32, fig 11, 152 ...” (Office Action, page 2.) With regard to independent claim 37, the Office Action states in relevant part that “Trott et al. discloses for positioning an optical device on upper surface of a substrate, the method comprising:... forming at least one cut-out portion on an mounting [sic] said optical device...” (Office Action, page 3. Applicant respectfully notes that the phrase “an mounting” does not appear in claim 37.)

Applicant respectfully disagrees with the rejection of independent claims 12 and 37 for at least the reason that Trott fails to disclose the claim feature of a “cut-out portion”. With regard to claim 12, Applicant respectfully points out that Trott does not disclose “an optical device having at least one cut-out portion” as claimed by Applicant. Applicant respectfully submits that elements 32 and 152 of Trott, cited in the Office Action as allegedly containing a cut-out portion, contain no such cut-out portion. The “planar optical device 32” and “optical filter 152” of Trott are clearly illustrated and described as being rectangular solids having planar parallel surfaces. There is no indication or suggestion anywhere within Trott that these rectangular solids have cut-out portions. Consequently, each and every element recited in claim 12 is not disclosed in Trott. For the same reasons, Trott fails to disclose the recited feature of “forming at least one cut-out portion on said optical device...”, as recited in independent claim 37. Thus, Trott fails to disclose each and every element recited in independent claim 37.

For the above reasons, Applicant respectfully requests that the rejections of independent claims 1, 12, 30, and 37, as well as claims 3, 4, 12, 30-35, 37, and 38 which depend respectively therefrom, be withdrawn.

Allowable Subject Matter

Applicant notes with appreciation the indication that claims 19-29 are allowed and that claims 2, 5-11, 13-18, 34, 36, and 39-41 would be allowable if rewritten in independent form to include the subject matter of the base claim and any intervening claims. In view of the amendments and arguments presented above, Applicant respectfully submits that dependent claims 2, 5-7, 10, 11, 13-18, 36, and 39-41 are allowable in their present form. In

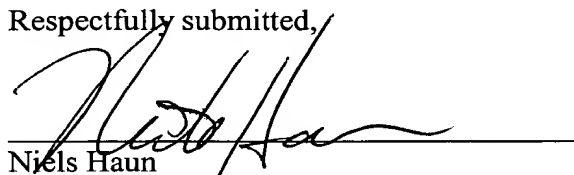
Application No. 09/988,055
Docket No. 48824-51948 US

Art Unit 2873
Examiner Thompson, T.

addition, Applicant has rewritten claim 34 in independent form incorporating the subject matter of the base claim and the intervening claim. Thus, Applicant understands that claim 34 is now allowable.

In view of the foregoing amendments and remarks, it is believed that the claims in this application are now in condition for allowance. Early and favorable reconsideration is respectfully requested. The Examiner is invited to telephone the undersigned in the event that a telephone interview will advance prosecution of this application.

Respectfully submitted,



Niels Haun
PTO Reg. No. 48,488

DANN DORFMAN HERRELL & SKILLMAN
A Professional Corporation
1601 Market Street, Suite 2400
Philadelphia, PA 19103
Phone: (215) 563-4100
Fax: (215) 563-4044